



Wetlands

[Recent Additions](#) | [Contact Us](#) | [Print Version](#)

Search:

GO

[EPA Home](#) > [Water](#) > [Wetlands, Oceans and Watersheds](#) > [Wetlands](#) > [Laws](#) > [Regulations](#) > Section 10 of the Rivers and Harbors Appropriation Act of 1899

Laws, Regulations,
Guidance, and
Scientific Documents

State, Tribal, and
Local Initiatives

Landowners

Water Quality and
401 Certification

Monitoring and
Assessment

Wetlands and
Watersheds

Restoration

Education

In Your Area

Section 10 of the Rivers and Harbors Appropriation Act of 1899

§ 401. Construction of bridges, causeways, dams or dikes generally; exemptions

It shall not be lawful to construct or commence the construction of any bridge, causeway, dam, or dike over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for (1) the bridge or causeway shall have been submitted to and approved by the Secretary of Transportation, or (2) the dam or dike shall have been submitted to and approved by the Chief of Engineers and Secretary of the Army. However, such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Secretary of Transportation or by the Chief of Engineers and Secretary of the Army before construction is commenced. When plans for any bridge or other structure have been approved by the Secretary of Transportation or by the Chief of Engineers and Secretary of the Army, it shall not be lawful to deviate from such plans either before or after completion of the structure unless modification of said plans has previously been submitted to and received the approval of the Secretary of Transportation or the Chief of Engineers and the Secretary of the Army. The approval required by this section of the location and plans or any modification of plans of any bridge or causeway does not apply to any bridge or causeway over waters that are not subject to the ebb and flow of the tide and that are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.

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